

2-287

THE
C A S E
O F

**HENRY EYRE, in relation to a Patent granted
by his Highness the Bishop and Prince of Liege, &c. the better to
prevent the present Notorious Abuse of imposing false and spurious
Waters on the Publick, instead of the true Mineral Waters of Spa.**

IN the Year 1730, the said *Eyre* undertook to deal *entirely* in Mineral Waters, which he was induced to do, having observ'd how grossly the Publick was imposed on and abused by many Dealers in Mineral Waters vending such as were false and spurious: For, as he apprehended, he could not reasonably doubt of succeeding, if he could be so happy as to rectify those Abuses; and the rather, because the Trade of Mineral Waters was dispersed into so many Hands, that no one Person could be sufficiently interested in it to induce him to the requisite Care and Application.

He was soon confirmed in this Opinion, by the generous Encouragement he received from the *Physicians*, which not only determined him to continue the Busines, and make it his sole Employment; but also, encouraged him to proceed in it with the utmost Diligence and Caution, and to make the strictest Enquiry into the several Abuses committed in importing or vending each particular Sort of Mineral Water used in this Kingdom.

He soon became sensible that the most notorious Abuses attended the Importation of the *Spa* Waters; an Abuse so general, that the Quantity of genuine *Spa* Water imported, was inconsiderable in Proportion to the Quantity of foreign Water imported under that Name; therefore, in order to prevent either his Customers or himself from being imposed on by so notorious an Abuse, he procured, in the Year 1731, Recommendations to Mr. *Hay*, a *Scotman*, residing at *Spa*, that he might be supplied by him with the true *Spa* Water from the *Pouhon Spring*, according to the Direction of the *Physicians*; that Spring being situated in the Town of *Spa*, and affording the only Water proper for Carriage and Exportation.

In this manner he was supplied Part of the Year 1731, and the first Season in 1732; but altho' the Waters were genuine, yet he found such great Neglect in the Corking, that he was obliged to destroy seventy or eighty Dozen of them, chusing rather to submit to that Loss, than to impose bad Water upon his Customers. But, in order to prevent such Losses for the future, the next Season of Bottling, (about September 1732) Mr. *Broders* of *Duke-street, St. James's*, did him the Favour to go to *Spa* with his Book-keeper, who discharged the Trust reposed in him so well, that he obtained the following Certificate:

WE the Burgo-masters and Magistrates of *Spa*, in the Marquisate of *Franchimont*, in the Principality of *Liege*, knowing that for many Years past there have been exported to *England*, and other Countries, the Waters of *Niveriet*, and *Chevron*, or *Bru*, under the Name of *Spa Waters*, to the Injury and Discredit of the true *Spa Water*, and to the Prejudice of *Physicians* and their *Patients*; do attest and verify, that Mr. *Henry Eyre*, Purveyor for Mineral Waters to the Queen of *England*, has filled this Year, by Mr. *Alexander Hay*, Merchant of this Place, Nine thousand Flasks and upwards, of *True Spa Water*, from the *Pouhon Spring*; of which Quantity, Five thousand Flasks and upwards, were filled in the Presence of Mr. *Patrick Broders* and Mr. *Robert Gill*, who were sent on Purpose, by Mr. *Henry Eyre*, to have the Waters filled in the best Season, and with all possible Precaution, according to the Directions of *Physicians*. In Testimony whereof, we have ordered our Town Clerk to Sign and Seal these Presents. At *Spa*, this 20th Day of *October*, 1732.

By Order,

G. STORHEAUX.

The following Season, being last *March*, he went himself with Mr. *Broders* to *Spa*, in order to settle a Correspondent or Agent at *Spa*, on whom he might depend, not only for having the true Water imported, but for having those also well corked, and filled with all possible Advantage, in the best Seasons, on which their Goodnes principally depends.

It is evident from Experience, that these Waters are of so nice a Nature that the very Wind affects them; they always change with the Weather, and are never in Perfection but when the Wind is Northerly or Easterly; and whenever they are to be bottled, no Liquor in the World requires so much Care and Exactness in Corking, which has been fully shewn in a small Treatise, lately published, on these Waters, by the said *Eyre*, who resided at *Spa*, and in the adjacent Country, three Months, that he might have an Opportunity of enquiring into the particular Abuses, and the Occasions of them.

During this Time he found, that in and about *Spa*, or the Country of *Liege*, there are innumerable Mineral Springs, some without Names, but many with; as the *Pouhon*, *Geroufier*, *Sevinier*, *little* and *great*, *Watros*, *Tonnelet*, the *Golden* and *White Cross Fountains*, *Chevron* or *Bru*, *Stablo*, *Huy*, *Gadet*, *Bre*, *Tongre*, *Boula*, &c. most of which Springs have different Masters, and consequently every Proprietor is industrious to promote his own Interest, without any Regard to the Health or Benefit of the Publick. The Waters of

the

the Fountain of *Bru* are particularly condemned in the strongest Manner, by a Declaration of the whole College of Phyliicians at *Liege* (as may be seen at length in the before-mentioned Treatise) as Waters very pernicious to the Health of Mankind; yet, notwithstanding this Spring is so remarkably condemned, the Water from this Fountain is what they chiefly impose on the People of *England* for the true Water of *Spa*, altho' it be perfectly different, and the Spring, at least, nine Miles distant from *Spa*.

The Proprietors of this Well have this most particular Advantage; they are Merchants, who for many Years past have supplied the greatest Part of the *English* Traders with the *Spa* Waters; and this has given them an Opportunity of insinuating to the said Traders, that the Waters of their own Fountain would be more beneficial to their Customers than the Waters of *Spa*. The Traders accordingly consented to import these Waters, and have for a long Time concealed the Abuse; and moreover, urge the very Thing in their Behalf for which the Physicians have condemned them, *viz.* for a sharp, vitriolous, and fixed Salt; which not being tempered with sulphureous Parts, gives them the *Briskness* that has so much contributed to the Cheat; and I think I may be allowed to aver, that these false Waters have been so long vended, and so many Injuries sustained by the Use of them, that it hath, in a great measure, discredited the Efficacy and medicinal Power of the true Waters.

The said *Eyre* hath been well assured, by Persons well acquainted with the filling of these Waters of *Bru*, that they did, some Years past, fill at this one Spring, in one Year, upwards of 180,000 Flasks; great Part of which were sold in *England*, by the Dealers here, for the Waters of *Spa*: And even no longer than two or three Years since, their Agent, who was sent into *England* on Purpose to promote the Sale of this Water among the Traders, assured the said *Eyre*, that at that Time there were imported annually, at least, 75,000 Flasks, which may be presumed to be as much as is now imported of the true *Spa*, and all the other false Springs together, exclusive of *Bru*. And there is great Reason to believe that some Dealers here, seal these false Waters like the true *Spa*, the better to conceal the Cheat, as may be concluded by the following Certificate.

Spa, June 11, 1733.

“ **B**EING informed, that a certain Person, living in *London*, has often advertised, that the *Spa* Waters sold by him were filled under the Care and Direction of the Physician and Apothecary of *Spa*, which Assertion is absolutely false: Therefore we caution all Persons, who have any Regard to their Health, to avoid such Waters as shall be said to be filled by us. We recommend all Persons who live in *England*, and have need of our Waters, and whose Affairs prevent their coming to *Spa*, to address themselves to Mr. *Henry Eyre*, who we have observed to be more careful in filling our Waters than any other Person.

G. COQUELET, M. D.
N. LIMBROUGH, Apothecary.

On the said *Eyre's* Arrival at *Spa*, the Magistrates were so good as to tell him, That they were sensible he had done Service to the true Water of *Spa*, in detecting the abominable Abuses which were daily practised, and that they should be ready to join with him in forwarding so good a Design, as might effectually prevent the Publick from being any longer imposed on by spurious Waters. And accordingly the said Magistrates of *Spa* approved of the following Method, both as proper to give a total Check to the notorious Abuse, as also to reward the said *Eyre* for his being instrumental in preserving the Credit of the true *Spa* Water, by discovering the said Abuses, and endeavouring to prevent the like for the future.

The Method proposed was, To obtain, by a Patent from the Prince of *Liege*, in whose Country *Spa* is, the Privilege, exclusive of all others, of impressing his Highness's Arms in Glass on the Neck of each Flask which the said *Eyre* shall fill with the true *Spa* Water. Which Seal could never be counterfeited, because it can only be done when the Flask is made. Therefore, by the Assistance of the Magistrates of *Spa*, and by representing to the Prince in a just Manner these various Abuses, the following Patent was obtained, and the said *Eyre* and his Agents were sworn accordingly.

GEORGE-LOUIS, by the Grace of God, Bishop and Prince of *Liege*, Duke of *Bouillon*, Marquis of *Franchimont*, Count of *Looz*, Horn, &c.

“ **H**AVING been informed, to our great Displeasure, that notwithstanding all the Precautions hitherto taken to prevent the Sale of foreign Mineral Waters, under the Name of *Spa* Waters, in *England* and other Countries, and that Physicians and their Patients might not be deceiv'd in attempting a Cure, which they promise themselves from the True *Spa* Water, whose Virtues have been known all over Europe for many Ages; there have yet been vended large Quantities under that Name, and even with our Arms impress'd in Wax on the Corks of the Bottles; and that to such a Degree, that, we are credibly inform'd, there has been imported into *England* alone, the last Year, under the aforesaid Name, and with the Seal of our Arms, much more than had been fill'd at the said *Spa*: Considering the Prejudice this Abuse may be of, not only to sick Persons, but likewise to our Town of *Spa*, by reason, that not finding the same Benefit from these Waters, on account of the Mixture and Introduction of false Persons may grow unwilling to import them at so great an Expence; and, on the other Side, giving a favourable Attention to the humble Request presented to us by *Henry Eyre*, Purveyor of the said Mineral Waters for her Majesty the Queen of *England*, and to the Care and Expence he has been at in preventing this Abuse, and in distinguishing the true from the false, having kept one of his Agents, sent expressly from *England* at *Spa*, during about three Months the last Year; and, not content with this, has himself repai'd from *London* to our City, to remonstrate to us thereupon: We grant him by these Presents, according to his Demand and Prayer, the Privilege, exclusive of all others, to seal with our Arms, and the Words *Pouhon in Spa*, the Necks of the Bottles, which he should cause to be made at *Liege*, in order to be fill'd by a sworn Agent at the said Town in *Spa*, and that till these Patents shall be

be recall'd: Provided still, that the said *Eyre* shall make Oath before the Secretary of our Privy-Council, that he will not vend any other *Mineral Waters* in *England*, and the Countries of his *Britannick Majesty*, under the Name of *Spa Waters*: Forbidding all and every one, of what Quality or Condition they are or may be, to seal the said Bottles with our Arms after the aforesaid or any other Manner; authorizing the said *Henry Eyre* to have in this City an Agent, who shall nevertheless be presented to us as well as him of *Spa*, and shall be accepted of by us; and who shall take an Oath, as well as him of *Spa*, at the Hands of the Secretary of our Privy-Council, in order to inspect and mark the Certificates, which the Agent of *Spa* shall be obliged to give, specifying the Number of the Bottles design'd for *England*, and the *Dominions* of his said *Majesty*; and this to prevent all Frauds, Falsifications, and Artifices, which may be invented by those who transport counterfeit *Spa Waters* into the said Kingdom, and at the same time to distinguish the true; taking into our singular Safeguard and Protection the said *Eyre* and his said Agents, as also all Persons whom he shall employ in Regard to the said *true Spa Waters* in the aforesaid Manner, and to inspect all *Hampers* and *Bottles* of *Mineral Waters* design'd for *England*, and the *Countries* of his said *Majesty*, in order to discover whether our *Arms* be impress'd without a *Certificate* of the said Agent at *Spa*; declaring all *Bottles* and *Hampers* so found, to be confiscated, and, besides that, the Persons with whom they are found, and even Watermen, Carters, and other Conductors of the said Waters, amerced Ten Florins of Gold for each Offence, Half to the Profit of the Agent settled at *Liege*, and the other Half to the Profit of our Hospital of *St. George*; and this exclusive of the Rights and Actions claim'd by our Officers; whom we command, with all those to whom it shall belong, to pay an exact Regard to the Observance and Execution of these Letters Patents, which shall be printed and stuck up for the Information of every one. Given at *Seraing* on the *Meuse* this 10th of *May*, 1733.

G E O R G E - L O U I S.

Rougrave Vt.

J. V A N H O V E.

The 11th of *May*, 1733, Mr. *Eyre* took his Oath in the *Chancery* at *Liege*.

J. V A N H O V E.

The Patent was no sooner granted, than great Interest was made to ingage his Highness to revoke the same, at the Instigation (as the said *Eyre* has sufficient Reason to believe,) of several Persons interested in the Fountain of *Bru*, who had the more Reason for endeavouring to procure this Revocation, as they knew the Patent must necessarily destroy the Sale of their spurious Waters in *England*.

The said *Eyre* hereupon, not knowing what Methods might be taken to procure the said Revocation; obtain'd the Favour of a noble Peer, to write to his Highness the Prince of *Liege* in his Behalf, and by his Highness's Answer to the said noble Peer, it is apprehended the said Patent is in Danger of being entirely revoked; these Merchants being assisted with the Interest of a neighbouring Prince, in whose Country the *Bru* Fountain is, and they having already obtain'd the following Explanation in Favour of those Waters.

“ **H**IS Highness declares, that the Power given to the Agents appointed agreeable to the Patent granted to *Henry Eyre*, the 10th of *May* last, do not concern and ought not to concern the Waters of *Bru* which are transported into *England*. Given at *Seraing*, 17 *June*, 1733.

G E O R G E - L O U I S.

Rougrave Vt.

J. V A N H O V E.

To strengthen the Pretensions of the Persons interested in these false Waters, they have taken this Advantage of a small Mistake of the said *Eyre*'s Sollicitor, who observed, that the false Waters were imported with counterfeit Seals; whereas the said *Eyre* apprehended the Seals to be counterfeited here, after Importation; however, this Objection can be no way material. The Gentlemen of the Faculty are, I believe, convinced, that there is a most notorious Cheat carry'd on, and it matters not, whether 'tis performed by counterfeiting the Seal Abroad, or at Home, or whether the Abuse be affected with a Seal, or without.

The other, and the Principal Charge, brought against the said *Eyre* by these Gentlemen, is this, that he has represented the Waters of *Bru* to be in no Esteem in *England*, and seldom or never sold, but when imposed on the Buyers for the Waters of *Spa*. Whether he be right in this Point, he appeals to the Gentlemen of the Faculty in Particular, and to the Publick in General; and if he be right, he humbly hopes he may not suffer in Reputation and Fortune, by endeavouring to promote a Publick Good, as well as a private Interest; for by obtaining the above Patent, he intended nothing more than doing a necessary Service to the Publick, promoting the Interest of the Principality of *Liege*, the Town of *Spa*, and, above all, the Advantage of such as are directed to drink the Waters of *Spa*, and only a moderate Profit to himself. For, notwithstanding all the extraordinary Care and Expence he has been at, he has never offer'd to raise the Price, but hath continued to sell at the same Rate. And though other Traders should sell their bad Water at a lower Price in Opposition to him, he humble presumes that no reasonable Person will expect, he should be influenc'd by such an Example, or that so little Regard will be had to the Efficacy of the true Waters, in so essential a Point as Health, as to give a Preference to the spurious, merely because the Persons dealing in them, think fit to lower their Price, on purpose to do him a Prejudice, and to defeat the just Profit he might hope to make for all his Care and Labour. And this he the rather hopes, as he declares, he is very willing to supply all the *English* Dealers with the Genuine *Spa* Water, and with Flasks agreeable to the Patent, reserving to himself only a reasonable Profit, towards defraying the Expence of keeping a proper Agent at *Spa*, to see the Waters filled in the best Seasons and with all possible Advantage: And that such Care is at present taken, may be seen by the following Certificate, sent to the said *Eyre* by the Magistrates of *Spa*, since his Arrival in *England*.

WE

[4]

WE the Burgo-masters and Magistrates of *Spa*, in the Marquise of *Franchimont*, in the Principality of *Liege*, being well informed, that notwithstanding all the Precautions hitherto taken, there have been for many Years past, *foreign Waters* sold under the Name of *Mineral Waters* of *Spa*, in *England*, and other Countries, to the great Prejudice of the *Physicians*, *Patients*, and also to the Prejudice and Damage of the *Community of Spa*; do certify and attest, that Mr. *Henry Eyre*, in order to prevent this Abuse, hath filled this Seafon, to this present Date, Five thousand six hundred forty-five Flasks of our *true Waters* of *Spa*, in *proper Time*, and *good Season*, and corked them in a very particular Manner, and fasten'd them down with Wire, having the *Arms* of his Highness of *Liege*, our *Prince*, impressed in Glass on the Neck of each Flask, with the *Permission* of his said Highness; he being the *only Person* who hath obtained the *said Permission*. In Testimony whereof we have ordered our Town Clerk to sign and seal these Presents: At *Spa* the 2d Day of *July*, 1733.

By Order,

G. STORHEAUX.

The unreasonable Opposition the said *Eyre* has unexpectedly met with from the Dealers in the Waters of *Bru*, and the powerful Application they have found Means to make to his Highness himself, have induced the said *Eyre* to draw up this true State of his Case: And he humbly hopes, that, considering the publick Good he intends, and the great Expence he has been at, together with the moderate Profit he has referred to himself, he shall be entitled to the Encouragement of all such as it may more particularly concern to have the *Spa* Water True and Genuine, and in good Order and Condition.

THE
C A S E
O F
HENRY EYRE,

In Relation to

A Patent granted by the Bishop and Prince of *Liege*, &c. the better to prevent the present notorious Abuse of imposing false and spurious Waters on the Publick, instead of the *true Mineral Waters* of *Spa*.